



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Julie J. Hand, et al.

Serial No. : 09/966,568
Filed : September 27, 2001

Group :
Examiner :



31970

PATENT TRADEMARK OFFICE

Title : DISPOSABLE REMOTE ZERO HEADSPACE EXTRACTOR

CUSTOMER NO.: 31970

**DECLARATION AND STATEMENT OF AUTHENTICITY
OF BETTY A. WINCHESTER
IN SUPPORT OF PETITION UNDER 37 CFR § 1.181
TO RESTART PERIOD FOR REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION**

Assistant Commissioner for Patents
Washington, D. C. 20231

ATTN: Supervisory Patent Examiner

Sir:

I, Betty A. Winchester, hereby declare:

That I am a Paralegal Specialist in the Office of the Assistant General Counsel for
Technology Transfer and Intellectual Property of the United States Department of Energy;

That I was in that position in October 2001;

That my duties at that time included the processing of all domestic Notices, Office
Actions and other forms of Communications received from the U.S. Patent and
Trademark Office (PTO);

That our office procedure is that all such Notices and Office Actions would be
delivered to me by the person who opens the mail and date stamps the mail, unless I
personally opened and stamped the mail, in which case I take them to my desk;

That I maintain a computerized record of all received Office Actions and other papers from the U.S. Patent and Trademark Office (PTO);

That I maintain a file wrapper record of all received Office Actions and other PTO documents;

That upon receiving an Office Action from the PTO, I enter the action code and the due date into the computer;

That upon receiving an Office Action from the PTO, I would place a copy of the Action in the file and enter a record of that paper on the front of the file wrapper;

That attached hereto as **Exhibit A** is a copy of our file wrapper record of application serial number 09/966,568, showing that the non-provisional application was filed on September 27, 2001, and which lists all notices or communications received from the United States Patent and Trademark Office, including receipt by facsimile on 4/19/2002 of the Notice to File Missing Parts dated 10/25/2001;

That if a Notice to File Missing Parts for application serial number 09/966,568 had been delivered to me in October/November 2001, I would have processed it as stated above;

That I hereby declare that no such Notice to File Missing Parts for application serial number 09/966,568, was ever delivered to me or was ever in any mail opened by me until its receipt by facsimile to our Chicago Office on 4/19/2002;

That as an employee of the Department of Energy I was informed that, in response to terrorist activities, all mail to the Department of Energy was discontinued on October 21, 2001 and not reinstated until November 19, 2001, with further continuing delays

caused by the sanitizing of all mail for possible anthrax contamination through a facility in Ohio prior to delivery;

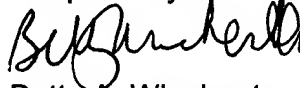
That delivery of mail to the Department of Energy is only being delivered after sanitization and once received is being processed immediately by me.

I also hereby authenticate the attached facsimile copy of the Notice to File Missing Parts dated 10/25/2001 is a true copy of the original received by the Department of Energy which shows DOE's incoming mail stamp of 4/19/2002 which is automatically affixed by the facsimile machine upon receipt (**Exhibit B**);

That I acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of application serial number 09/966,568 or any patent which may be issue thereon.

That all statements made herein are of my own knowledge and belief are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,



Betty A. Winchester
Paralegal Specialist
Office of the Assistant General Counsel
for Technology Transfer and
Intellectual Property

Attachment:
Exhibits A&B

Washington, D. C.
202-586-2810

Dated: May 1, 2002

WAIVER NO. W ()
STATUS: _____Julio J. Hand
Mark P. Roberts

SERIAL NO.

09/966,568

TITLE

September 27, 2001
Disposable Remote Zero Headspace
Extractor

FILED

ASSIGNED TO
LICENSED TO U.S. GOVERNMENT AS REPRESENTED BY DOE

RIGHTS _____ DATED _____

RECORDED _____ PUBLIC FILE _____ REEL _____ FRAME(S) _____

OFFICE ACTION

RESPONSE DUE

AMENDED

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

Missing Parts 10-25-01 for 4190 12-25-01Filed Express Mail 9-27-01 w/101

EXHIBIT A

Copy of DOE's file wrapper
for SN 09/966,568.RECEIVED
PATENT NO. _____

DATED _____

FOREIGN FILING _____

CLASSIFICATION _____

S.O. ISSUED _____

DECLASSIFIED _____

S.O. RESCINDED _____

FIELD OFFICE: Ch/SA☒ CHECK HERE WHEN
ENTERED INTO COMPUTER

PTO Drawing Request _____

Proposed Drawing Correction Filed _____

Corrections Requested _____

Corrections Made _____

APPLICANT HAND AND ROBERTS SER. NO. 09/966,568 FILE NO. 5-80958 PAT. NO. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

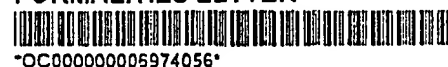


COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/966,568 | 09/27/2001 | Julie J. Hand | S-80,958 |

CONFIRMATION NO. 3784

FORMALITIES LETTER



OC000000005974056

Paul A. Gottlieb
United States Department of Energy
GC-62 (FORSTL) MS-6F-067
1000 Independence Ave, S.W.
Washington, DC 20585-0162

Date Mailed: 10/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. . .
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$180.
 - \$180 for 10 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1020.

*A copy of this notice **MUST** be returned with the reply.*

EXHIBIT B

Copy of Notice to File
Missing Parts dtd
10/25/2001 showing
DOE's incoming
facsimile date stamp
of 4/19/2002.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE